

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

XEZAKIA ROUSE,

Petitioner,

v.

No. 11-cv-0405 JCH/SMV

ANTHONY ROMERO,

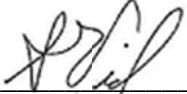
Respondent.

ORDER DENYING MOTION FOR EXPEDITED RULING

THIS MATTER is before the Court on Petitioner's Letter to the Court Clerk [Doc. 121], filed April 9, 2013, which the Court construes as a motion for expedited ruling. The Court, being fully advised in the premises, will DENY the Motion because the case is once again on appeal. *See* [Doc.114] (Petitioner's Notice of Appeal). The Court recognizes that Petitioner has attempted to withdraw his most recent appeal. [Doc. 119] (Motion to Withdraw Appeal). However, the district court is without jurisdiction to proceed until the appeal has been disposed of by the Tenth Circuit Court of Appeals. *See McKissick v. Yuen*, 618 F.3d 1177, 1196 (10th Cir. 2010).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Petitioner's Letter to the Court Clerk [Doc. 121], which the Court construes as a motion for expedited ruling is **DENIED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge